

1 **3**

2 BRUCE C. DWIGGINS - SBN: 255550

3 PATRICIA WILSON - SBN: 103593

4 **DWIGGINS & WILSON BANKRUPTCY LAW**

5 405 Redcliff Drive, Suite 100

6 Redding, CA 96002

7 Telephone: 530-638-4445

8 Facsimile: 888-933-8858

9 Email: Redding@BankruptcyLawyerRedding.com

10 Attorneys for Involuntary Debtor

11 Dave R. Michal

12 UNITED STATES BANKRUPTCY COURT

13 EASTERN DISTRICT OF CALIFORNIA

14 In re:

Case Number 22-22056

15 DAVE R. MICHAL,

Chapter 7

DCN: DBL-1

16 Involuntary Debtor.

Hearing Date: October 3, 2022

Hearing Time: 9:00 a.m.

The Hon. Fredrick E. Clemen

Department 28, Courtroom A

17 \_\_\_\_\_ /  
18 **DECLARATION OF PATRICIA WILSON IN SUPPORT OF**  
19 **INVOLUNTARY DEBTOR'S MOTION TO DISMISS THE**  
20 **INVOLUNTARY PETITION FILED AGAINST HIM, AND**  
21 **FOR ATTORNEY'S FEES, COSTS AND SANCTIONS**  
22 **AGAINST CREDITORS AND THEIR ATTORNEY,**  
23 **Pursuant to 11 U.S.C. §303(b)(1) and Fed. R. Bankr. Proc. §1011(d)**

24 I, PATRICIA WILSON, hereby declare as follows:

25 1. I am an attorney admitted to practice in the State of California and am the attorney  
26 representing Involuntary Debtor Dave R. Michal. I have personal knowledge of the facts set  
27 forth below and, if called as a witness, would so testify.

28 2. When I first met with Mr. Michal to discuss the Involuntary Petition that had been  
filed against him two days before, he assured me that Petitioners' allegations in their Petition

1 that he was “generally not paying his debts as they came due” were absolutely false.

2 Mr. Michal told me that for many years, he has been a successful Private Equity Investment  
3 Manager, and that he regularly paid his debts promptly when they became due.

4 3. In order to obtain admissible evidence for this Court that Mr. Michal in fact did and  
5 does pay his debts as they come due, on August 28, 2022, ten days after Petitioners filed their  
6 Involuntary Petition against Mr. Michal, I ran a credit report on him through CinLegal Data  
7 Services. CinLegal Credit Reports note at the bottom of each page that their reports include  
8 reporting data from Transunion, Experian, Equifax and LexisNexis. Our debtor bankruptcy  
9 law firm regularly uses CinLegal Reports in preparing the Voluntary Bankruptcy Petitions for  
10 our clients.

11 4. My review of Mr. Michal’s August 28, 2022 report showed that he presently has only  
12 four active debts: Two vehicle loans from a local credit union in Redding, one Citibank credit  
13 card, and one Capital One credit card. The Credit Report shows monthly payments for all four  
14 debts total \$2,376, which all are current, and that all have continuously been “paid as agreed,”  
15 with zero past due entries. My review of every page of Mr. Michal’s Credit Report showed that  
16 all entries for all loans, credit cards and other credit sources not currently being used also  
17 indicated only “paid as agreed,” with zero past due entries. Copies of Pages 1, 3 and 4 of  
18 Mr. Michal’s Credit Report are filed herewith as **Exhibit 1**. Should the Court wish to make an  
19 “*in camera*” review of Mr. Michal’s complete CinLegal Credit Report and Financial Report, I  
20 will gladly make one available.

21 5. I also found two very troubling entries in Mr. Michal’s August 28, 2022, Credit  
22 Report. The first is on Page 3 where it indicates that David Michal is the “Plaintiff” in an  
23 Eastern District of California Chapter 7 Bankruptcy Docket Number 2222056, but **does not say**  
24 **that the filing was an Involuntary Petition**. Thus, anyone, friend or foe, seeing that entry  
25 would naturally believe that Mr. Michal had himself filed for bankruptcy, rather than being the  
26 victim of an improperly filed Involuntary Petition.

27 - - - - -  
28

I declare under a penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct. Executed September 2, 2022, at Redding, California.

/s/ Patricia Wilson  
Patricia Wilson